

App. No. S/N 10/820,083
Office Action Dated June 03, 2005

REMARKS

Reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1, 5, 8, 17 and 22 are amended. Claims 20-21 are canceled without prejudice or disclaimer. Claims 1-19 and 22-23 are pending.

Applicants would like to thank the Examiner for the personal interview conducted on August 24, 2005 with Mr. Bill Schmid and the undersigned. An interview summary was completed by the Examiner and given to the undersigned. That interview summary accurately reflects the substance of the interview, including the indication that the proposed claim 1 is allowable over Haslebacher.

I. Amendments

The amendments to claims 1 and 5 are supported by the original disclosure, for example the original figures.

The amendments to claim 8 are supported by the original disclosure, for example the original figures.

The amendments to claim 17 are supported by the original disclosure, for example page 11, line 28 to page 12, line 8, and the original figures including Figure 14B.

The amendments to claim 22 are supported by the original disclosure, for example the original figures.

No new matter has been added.

II. Claim rejections

Claims 1-11 and 17 are rejected under 35 USC 102(b) as being anticipated by US 6,099,607 to Haslebacher.

In addition, claims 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over Haslebacher in view of US 3,935,803 to Bush.

In addition, claims 14-16 and 18-23 are rejected under 35 USC 103(a) as being unpatentable over Haslebacher.

Applicants respectfully traverse the rejections.

App. No. S/N 10/820,083
Office Action Dated June 03, 2005

A. Claims 1-4

As noted in the interview summary, claim 1 is patentable over Haslebacher. Haslebacher does not disclose or teach, for example, an air delivery unit where the length of the air delivery unit from the first end to the second end is greater than all dimensions of the air delivery unit measured along all axes generally perpendicular to the longitudinal axis.

Claims 2-4 are patentable along with claim 1 and need not be separately distinguished at this time. Applicants do not concede the propriety of the rejections to claims 2-4.

B. Claims 5-7

With respect to claim 5, Haslebacher does not disclose or teach, for example, an air delivery unit where the length of the air delivery unit from the first end to the second end is greater than all dimensions of the air delivery unit measured along all axes generally perpendicular to the longitudinal axis.

For at least this reason, claim 5 is patentable over Haslebacher. Claims 6-7 are patentable along with claim 5 and need not be separately distinguished at this time. Applicants do not concede the propriety of the rejections to claims 6-7.

C. Claims 8-16

With respect to claim 5, Haslebacher does not disclose or teach an air outlet section that discharges airflow in a generally horizontal direction generally parallel to the surface of the bed and discharges airflow in a generally vertical direction generally perpendicular to the surface of the bed. In Haslebacher, air is discharged from the filter hood assembly 66 perpendicular to the plane of the assembly 66. In Figure 22 of Haslebacher, which is described as being used with a hospital bed, the assembly 66 is positioned so that air is discharged downward. The air in Haslebacher is not discharged from the assembly 66 both in a generally horizontal direction generally parallel to the surface of a bed and discharged in a generally vertical direction generally perpendicular to the surface of a bed.

Further, Haslebacher does not disclose or teach, an air delivery unit where the length of the air delivery unit from the first end to the second end is greater than all dimensions of the air delivery measured along all axes generally perpendicular to the longitudinal axis.

App. No. S/N 10/820,083
Office Action Dated June 03, 2005

For at least these reasons, claim 8 is patentable over Haslebacher. Claims 9-16 are patentable along with claim 8 and need not be separately distinguished at this time. Applicants do not concede the propriety of the rejections to claims 9-16.

D. Claims 17-19

With respect to claim 17, Haslebacher does not disclose or teach an air outlet section of an air delivery unit that discharges airflow in a generally horizontal direction generally parallel to the surface of a bed, discharges airflow in a generally vertical direction generally perpendicular to the surface of a bed, and discharges airflow in back of the generally vertical direction for creating an air dam. In Haslebacher, air is discharged from the filter hood assembly 66 perpendicular to the plane of the assembly 66.

In addition, Haslebacher does not disclose or teach an air outlet section that extends over an arc angle of from about 110 degrees to about 130 degrees, with about 30 degrees to about 40 degrees of arc back of the vertical direction.

For at least these reasons, claim 17 is patentable over Haslebacher. Claims 18-19 are patentable along with claim 17 and need not be separately distinguished at this time. Applicants do not concede the propriety of the rejections to claims 18-19.

E. Claims 22-23

With respect to claim 22, Haslebacher does not teach or suggest discharging conditioned air near the head end of the bed in a generally horizontal direction generally parallel to the surface of the bed and in a generally vertical direction generally perpendicular to the surface of the bed. In Haslebacher, air is discharged from the filter hood assembly 66 perpendicular to the plane of the assembly 66. In Figure 22 of Haslebacher, which is described as being used with a hospital bed, the assembly 66 is positioned so that air is discharged downward. The air in Haslebacher is not discharged from the assembly 66 both in a generally horizontal direction generally parallel to the surface of a bed and discharged in a generally vertical direction generally perpendicular to the surface of a bed.

Further, Haslebacher does not teach or suggest discharging air at a temperature that is not lower than the surrounding air by 2 °F and not higher than the surrounding air by 1 °F. There is no disclosure in Haslebacher concerning the temperature of the discharged air, or even that the

App. No. S/N 10/820,083
Office Action Dated June 03, 2005

temperature of the air is an important factor. During the above-referenced interview, the Examiner suggested that the air discharged from Haslebacher would inherently have a temperature meeting the claimed range as the air would have a temperature inherently close to the ambient air temperature. This assertion is not supported by Haslebacher.

In Haslebacher, the impeller 162 is driven by a coil 164 and armature 160 of a motor 52 (see, e.g., Figures 12 and 13; column 9, lines 1-9). The coil 164 is fixed to the impeller 162. The motor 52 is AC powered (see, e.g., Figure 18 and column 18, lines 24-34). Since the coil 164 is fixed to the impeller and AC power is used, the impeller is likely to generate significant heat during use. Air that comes into contact with the impeller will pick up heat from the impeller. The exact amount of heating that occurs in Haslebacher cannot be readily determined and is certainly not disclosed. However, it is inaccurate to say that Haslebacher will inherently discharge air that is close to ambient temperature. Further, there is no support for concluding that the air in Haslebacher inherently meets the claimed temperature range.

For at least these reasons, claim 22 is patentable over Haslebacher. Claim 23 is patentable along with claim 22 and need not be separately distinguished at this time. Applicants do not concede the propriety of the rejection to claim 23.

III. Conclusion

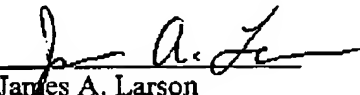
Favorable reconsideration in the form of a notice of allowance is requested. If there are any remaining issues to be resolved, the Examiner is invited to telephone the undersigned at the number provided below in order to expedite prosecution.

Respectfully Submitted,

Dated: September 2, 2005



JAL:unt


James A. Larson
Reg. No.: 40,443
Hamre, Schumann, Mueller & Larson, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
612.455.3800